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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,447	05/16/2006	Ikue Yamashita	060364	8452
23850	7590	01/16/2009	EXAMINER	
KRATZ, QUINTOS & HANSON, LLP			WANG-HURST, KATHY W	
1420 K Street, N.W.			ART UNIT	PAPER NUMBER
Suite 400			2617	
WASHINGTON, DC 20005			MAIL DATE	
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			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/579,447	YAMASHITA ET AL.	
	Examiner KATHY WANG-HURST	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 02 December 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 12/2/2008 has been entered. Claims 1-4 are amended. Claims 1-4 are still pending in this application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "a plurality of **first** operation units" and "a plurality of **second** operation units" are not mentioned or defined anywhere in the specification. For examination purpose, pending applicants response, "a plurality of first operation units" and "a plurality of second operation units" are interpreted as "a plurality of operation units". In addition, "sub-unit" is not mentioned or defined anywhere in the specification.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (US6370362), in view of A5306ST Instruction Manual, herein after referred as Instruction Manual, cited by applicant's IDS.

Regarding claim 1, Hansen discloses a mobile communication device having an openable/closable cover, a plurality of operation units that are operable regardless of whether the cover is opened or closed, and a locking function for disabling processing associated with operation of the operation units (col. 4 lines 3-25 and Fig. 1, 2 and 10, multiple keys that perform multiple functions when the cover is open or closed), comprising: an opened/closed detection unit operable to detect an opened/closed state of the cover (col. 2 lines 30-43 and col. 7 lines 5-12); a judging unit operable to judge whether a predetermined operation has been performed on at least one of the operation units with the cover in a closed state and the locking function enabled (col. 7 lines 5-12).

an operation control unit operable, when the judging unit has judged in the affirmative, to enable processing associated with operation of at least one of the operation units (col. 7 lines 5-12).

Hanson teaches a sliding openable and closable cover but fails to teach openable and closable case. Instruction Manual teaches openable and closable case (see figures on page 6).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the structure of the mobile phone by changing the sliding openable and closable cover to an openable and closable case, as taught by Instruction Manual, thus allowing user to flip the phone open instead of sliding, and thus making the mobile phone more user-friendly.

Regarding claim 4, Hansen discloses a method for controlling a mobile communication device having an openable/closable cover, a plurality of operation units that are operable regardless of whether the cover is opened or closed, and a locking function for disabling processing associated with operation of the operation units (col. 4 lines 3-25 and Fig. 1, 2 and 10, multiple keys that perform multiple functions when the cover is open or closed), comprising the steps of: detecting an opened/closed state of the cover (col. 2 lines 30-43 and col. 7 lines 5-12); judging whether a predetermined operation has been performed on at least one of the operation units with the cover in a closed state and the locking function enabled (col. 7 lines 5-12); when the judging unit has judged in the affirmative, enabling processing associated with operation of at least one of the operation units (col. 7 lines 5-12).

Hanson teaches a sliding openable and closable cover but fails to teach openable and closable case. Instruction Manual teaches openable and closable case (see figures on page 6).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the structure of the mobile phone by changing the sliding openable and closable cover to an openable and closable case, as taught by Instruction Manual, thus allowing user to flip the phone open instead of sliding, and thus making the mobile phone more user-friendly.

Regarding claim 2, Hansen discloses the mobile communication device wherein the operation control unit disables the enabled processing associated with operation of the at least one operation unit, if the at least one operation unit is not operated within a predetermined time period or if the cover is opened (col. 7 lines 5-12, when user does not do anything for more than 3 seconds the display will turn to idle mode).

Hanson teaches a sliding openable and closable cover but fails to teach openable and closable case. Instruction Manual teaches openable and closable case (see figures on page 6).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the structure of the mobile phone by changing the sliding openable and closable cover to an openable and closable case, as taught by Instruction Manual, thus allowing user to flip the phone open instead of sliding, and thus making the mobile phone more user-friendly.

Regarding claim 3, combination of Hansen and Instruction Manual discloses the mobile communication device having a main screen operable to display information with the case in an opened state and a sub-screen operable to display information with the case in a closed state, wherein the first operation units include an operation unit provided on a same surface as the sub-screen and a side key provided on a main body lateral surface, and processing associated with operation of the operation unit provided on the same surface as the sub-screen is disabled when the lock function is enabled.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571) 270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHY WANG-HURST/  
Examiner, Art Unit 2617

/NICK CORSARO/  
Supervisory Patent Examiner, Art Unit 2617